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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No. 58/2006

Appellant Defendant No. 2 : Laxman S/o Siyaram, Aged about 55 years, Occupation – Agriculturist, R/o Village-Shringarpur near Village-Gangpur, Thana & Tahsil Kawardha, District- Kabirdham (C.G.)

Versus

Respondents Defendants

1 A Duj Kunwar D/o Harilal, W/o Jethu Nai Occupation- House Wife, R/o Village Gokana, Thana- Gandaie, Tahsil Chhuie Khadan

1 B Aajuram S/o Harilal, Aged about 42 Yrs.

1C Rameshwar, S/o Harilal, Aged about 40 Yrs.

1D Deeneshwar, S/o Harilal, Aged about 38 Yrs.

1E Santram, S/o Harilal, Aged about 30 yrs.
From 1 B to 1E are legal heirs of Siyaram the original defendant no. 1, they are R/o Village Shringarpur near Village-Gangpur, Thana & Tahsil-Kawardha, District- Kabirdham (C.G.)

2. Lakhan S/o Bhuthar Nai, Aged about 35 yrs., Occupation – Agriculturist, R/o Village- Kejedah paas Bami, Tahsil Kawardha, District – Kabirdham.

3. Ramji S/o Bhuthar Nai, Aged about 35 Years.

4. Hirodiya W/o Kanwal Nai, Aged about 65 years, Occupation- Agriculturist, R/o Village- Chhotupara, tahsil – Kawardha, District – Kabirdham

PLAINTIFFS

5. Mohit S/o Hiralal Aged 40 years.

6. Punni Bai W/o Late Hiralal Aged about 60 years, Both are the R/o Village-Barouda Khurd, Thana-Kawardha, Distt. Kabirdham

	7.	Rohini Bai W/o Shiv Prasad, Aged about 30 years, Occupation-Agriculturist, R/o Village-Dhangaon, Thana Lohara, Tahsil-Kawardha, Distt. Kabirdham (C.G.)
DEFENDANT	8.	State of Chhattisgarh Through – Collector, Kabirdham (C.G.)

Second Appeal Under Section 100 of the Civil Procedure Code

Present:-
Shri Rajeev Shrivastava, counsel for the appellant.
Shri Akhil Agrawal, Panel Lawyer for the State.

ORAL ORDER
(Passed on 20-06-2007)

Heard on admission.

2. This is an appeal by the appellant/defendant No.2.

3. In Civil Suit No. 124-A/1997 vide judgment dated 22.12.1999, while dismissing the suit the counter claim of the appellant/defendant No. 1 was rejected. In appeal, the lower Appellate Court affirmed the same in Civil Appeal No. 112-A/2002 vide judgment and decree dated 8.12.2005.

4. A perusal of para 16 of the written statement filed by the defendants No. 2, 4 and 5 shows that in fact the defendant No. 1 had preferred a counter claim while also claiming relief of injunction against the defendant No.2 which was rejected by both the Courts below.

5. In this view of the matter, no substantial question of law arises for determination in this appeal, which is accordingly dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr